

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF ANTIGUA COLLEGE  
OF MEDICINE, a foreign corporation,

Plaintiff,

V

STEVEN L. WOODWARD,

Defendant.

United States District Court Judge  
Patrick J. Duggan, presiding  
Michael Hluchaniuk, referral  
Case No.: 2:10-cv-10978

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**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SANCTIONS**  
**(Docket No. 136)**

Plaintiff American University of Antigua College of Medicine ("AUA") states its response to Defendant's Motion for Sanctions (Docket No. 136) as follows:

1. Defendant's motion is frivolous.
2. To the extent that Defendant seeks sanctions for violation of a discovery order, no such order was ever entered.
3. Defendant filed a motion to compel (Docket No. 121) and Plaintiff responded (Docket No. 134).

4. Defendant did not reply, but instead filed a Response to the Court's form order<sup>1</sup> requiring that Plaintiff respond to the motion to compel. (Docket No. 135).

5. Defendant then filed this instant motion, which is duplicative of his response to the Court's order<sup>2</sup>.

6. Defendant's motion to compel has not yet been decided by the Court and no order compelling discovery has been issued<sup>3</sup>.

7. Defendant now seeks sanctions for violation of a Court order.

8. If Defendant seeks sanctions for Plaintiff's failure to respond to the order requiring response to the motion to compel (Docket No. 124), Plaintiff did file a response and serve the same on Defendant. (Docket No. 134).

9. If Defendant is challenging the sufficiency of Plaintiff's response, then the instant motion is unnecessary as the original motion remains pending before the court.

10. As there is no basis for finding a violation of a discovery order, Defendant's motion must be denied.

11. Plaintiff further notes that the relief Defendant seeks is the same relief sought under his motion to compel, rendering the instant motion redundant and duplicative.

12. If Defendant's motion is premised on Fed. R. Civ. P. 11, then he failed to exercise the safe harbor provision of Fed. R. Civ. P. 11(c)(2). As such, his motion must be denied.

13. Similarly, he fails to assert any bases under Fed. R. Civ. P. 11(b) by which Plaintiff made any improper filings or made legal contentions not supported by existing law. Consequently, Defendant's motion must be denied.

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<sup>1</sup> Docket No. 124.

<sup>2</sup> Plaintiff notes that the Court has ample grounds to strike redundant filings. Fed. R. Civ. P. 12(f).

<sup>3</sup> For the reasons discussed in Plaintiff's response (Docket No. 134), no order compelling discovery is appropriate.

Wherefore Plaintiff respectfully requests that the Court deny Defendant's Motion in its entirety, enter an award of sanctions against Defendant for his frivolous and duplicative filing, an order allowing Plaintiff to tax costs for responding to this motion and requiring that Defendant pay to the Court Clerk a \$20 motion fee for each subsequent filing in this matter.

Respectfully submitted,

/s/ Eric A. Buikema (P58379)  
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Dated: May 4, 2011

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Plaintiff's Response to Defendant's Motion for Sanctions, Brief in Support and this Certificate of Service were served upon Steven L. Woodward, Defendant, via his email address Steve\_L\_woodward@yahoo.com and First Class U.S. mail to Steven Woodward, c/o 7211 Brittwood Lane, Flint, MI 48507 on May 4, 2011.

/s/ Eric A. Buikema  
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**BRIEF IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT'S  
MOTION FOR SANCTIONS (Docket No. 136)**

Plaintiff relies on its response and Fed. R. Civ. P. 11, Fed. R. Co. P. 11(c)(2), and Fed. R.  
Civ. P. 12(f) in support of its response.

Respectfully submitted,

/s/ Eric A. Buikema (P58379)  
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